

Senator Armistead moved that the Senate do now go into executive session to consider the appointments of the Governor.

Objection was raised, and under the rule that no executive session could be held on the day present where objection is made, the Senate adopted a motion by Senator Lane, to go into executive session after morning call to-morrow.

The following bills and resolutions were, by leave, introduced:

By Senator Woodward, by request:

A bill to be entitled "An act to make safer and more available the investment of the permanent school fund by setting apart and appropriating a portion thereof for the purpose of building and establishing fire proof manufactures in the State of Texas.

Referred to Committee on Commerce and Manufactures.

By Senator Bell:

A bill to be entitled "An act to establish and organize the county of Mills."

Referred to Committee on Counties and County Boundaries.

By Senator Gregg:

A bill to be entitled "An act to require administrators and survivors of communities to renew their bonds as such, every twelve months."

Referred to Judiciary Committee No. 1.

By Senator Glascock:

Joint resolution authorizing the Attorney General to institute suit against all railroad companies and all other charter companies have obtained land from the State, for the forfeiture and recovery of such land.

Senator Glascock asked immediate action on the resolution.

Senator ——— asked to have it referred to Judiciary Committee No. 1, and raised the point of order that joint resolutions of such character must go to the committee.

The point of order was sustained.

The resolution was referred to Judiciary Committee No. 1.

Senate bill No. 28, a bill to be entitled "An act to make null and void any mortgage upon all personal property exempt from levy and force sale, and the growing crop," was taken up as special order for the hour and was read the second time, with majority (unfavorable) committee report.

Senator Lane sent up the following minority (favorable) report:

COMMITTEE ROOM,
AUSTIN, January 19.

Hon. T. B. Wheeler, President of the Senate:

We, the undersigned members of Judiciary Committee No. 1, to whom was referred Senate bill No. 28, on behalf of a minority thereof beg leave to submit the following report, and recommend the adoption thereof: That said bill should pass with the following amendments: After the word "crops" add the words "except cotton."

SCOTT FIELD.

J. LANE.

E. J. SIMKINS.

Senator Burney moved to adopt the majority report.

Senator Woods moved to substitute the minority for the majority report.

On motion of Senator Lane.

The Senate adjourned till 10 o'clock to-morrow morning, by the following vote:

YEAS—15.

Armistead,	Lane,
Calhoun,	McDonald,
Camp,	Pope,
Douglass of J.	Simkins,
Field,	Stinson
Frank,	Woods,
Garrison.	Woodward.
Glascock,	

NAYS—14.

Abercrombie,	Douglass of G.
Allen	Gregg,
Bell.	Harrison
Burges,	Jarvis,
Burney,	Knittle,
Claiborne,	Terrell.
Davis,	Upshaw,

ABSENT—2.

Houston. MacManus.

TENTH DAY.

SENATE CHAMBER,

AUSTIN, TEXAS, January 21, 1887.

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion of Senator Stinson,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Abercrombie, by request: Memorial from citizens of Houston,

Texas, protesting against the passage of the bucket shop bill.

Ordered to lie on table.

By Senator Claiborne, by request:

Memorial from citizens of Galveston, Texas, protesting against the passage of the bucket shop bill.

Ordered to lie on the table.

By Senator Burney:

Petition from citizens of Medina county, praying the postponement of the enforced collection of taxes on real and personal property.

Referred to Judiciary Committee No. 1.

BILLS AND RESOLUTIONS.

By Senator Woods:

Resolved, That whereas there is much delay in printing lists of standing committees of the Senate, Senate bills and Journals of the Senate,

Therefore, be it resolved, That the Senate Committee on Public Printing be requested to inquire into the cause of the delay of printing such matter, and the propriety of making other arrangements to have such printing done.

On motion of Senator Camp, the resolution was adopted.

By Senator Harrison:

An act entitled "An act to repeal section 4 of chapter 12 of the General Laws of the State of Texas," passed by the Seventeenth Legislature, and approved February 15, 1881.

Referred to Judiciary Committee No. 1.

By Senator Armistead:

A bill to be entitled, "An act to repeal Article 797, title 17, chapter 18, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Douglass of Grayson:

A bill to be entitled "An act to amend Article 726, chapter 9, title 17, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill to be entitled "An act to amend Article 849, chapter 1, title 10, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Stinson:

A bill to be entitled "An act to amend section 14, of chapter 53, of the Acts of the Legislature of the State of Texas of the year 1879."

Referred to Judiciary Committee No. 2.

By Senator Frank:

A bill to be entitled "An act to amend Article 339, chapter 4, title 10, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill to be entitled "An act to amend Article 441, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Jarvis:

A bill to be entitled "An act to amend Articles 1277 and 1278, of chapter 10, title 29, of the Revised Statutes of the State of Texas, relating to continuances."

Referred to Judiciary Committee No. 1.

By Senator MacManus:

A bill to amend an act entitled "An act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78, of the Revised Civil Statutes of Texas as refer to public schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed at the called session of the Eighteenth Legislature," approved March 12, 1885; "and to repeal the exemption of the county of Erio from the district system provided for by the said last named act."

Referred to Committee on Education.

By Senator Field:

A bill to be entitled "An act to amend Article 786, chapter 16, title 17, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill to be entitled "An act to amend Article 528, chapter 7, title 15, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill to be entitled "An act to amend Article 684, chapter 3, title 17, of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Burney:

A bill to be entitled "An act to postpone the sale of real and personal property of resident owners of Texas for taxes assessed for the year 1886 until the first Monday in August 1887."

Referred to Judiciary Committee No. 1.

By Senator Claiborne:

A bill "To create houses of refuge and provide for the support and maintenance of the same."

Referred to Committee on State Affairs.

The following message from the Governor was laid before the Senate, read and ordered printed in the Journal:

EXECUTIVE OFFICE,

AUSTIN, January 20, 1887.

To the Honorable Senate of Texas in session assembled:

Gentlemen—I have the honor to call the attention of the Senate to the proceedings and resolution of the State Bar association, a copy of which is herewith enclosed.

I am, respectfully, L. S. Ross,
Governor of Texas.

AUSTIN, TEXAS, January 19, 1887.

To His Excellency, L. S. Ross, Governor of Texas:

The undersigned members of a committee appointed by the Texas Bar Association, at its session at Dallas in July, 1886, respectfully request on their behalf, to present, through you, to the Legislature of the State of Texas, the accompanying memorial, in which is the recommendation of an amendment of "Article 5, judicial department" of the Constitution of the State, adopted by the said association at said session, which is contained in its published proceedings herewith submitted.

O. M. ROBERTS,
R. S. GOULD,
B. H. BASSETT,
JOHN HANCOCK,
J. B. RECTOR,
J. S. WOODS,
F. H. PRENDERGAST,
SAM R. FISHER,
JNO. W. ROBERTSON.

AUSTIN, January 19, 1887.

To the honorable Legislature of the State of Texas:

The undersigned members of a committee, appointed by the Texas Bar Association, that held its session in Dallas in July, 1886, beg leave, on its behalf, to present to you for your consideration, an amendment of Article 5, judicial department of the Constitution of the State of Texas.

The association, whose work is thus presented to you, was attended by more than two hundred lawyers, from different parts of the State, many of whom were men in the front ranks of their profession both in ability and

experience, and most of the others were men who have attained a good reputation and standing at the bar.

It will be seen that the amendment recommended by them, does not provide for any radical departure from the judicial department, now in existence, but rather to make such improvements in the different parts of it, as will secure dispatch, and greater efficiency and ability, in the administration of the laws of the State in all of its courts.

The district court has been made, as it should be, the important court in the system. That is the court in which all of the civil cases are or may be tried; either under its original jurisdiction, or by its appellate or supervising power. That is the court in which criminal felonies of every grade are to be tried. It is in that court that the case is made and given shape to, by the manner in which facts are adduced in evidence, and found either by the jury or by the courts; and as it is given shape to there, it must go to the higher courts for affirmance or reversal. Its jurisdiction is general, embracing in the broad scope of its adjudications mainly the whole of what was formerly embraced in the four high courts of England, to-wit: The Common Pleas, King's Bench, Exchequer and Chancery; complicated by the Constitutions and laws of the several governments, under which Texas has existed. Additional jurisdiction has been given it to try election cases, now so much to be desired. In view of these considerations, the amendment has made ample provision for giving assistance to that court, from time to time, when it shall become necessary in the dispatch of its business; and also to secure the necessary ability and experience in the presiding judge of that court. For this court, the higher courts are merely courts of inspection and revision, and the more ably its proceedings are conducted, the fewer will be the appeals, to the great benefit of the litigants and to the country. In the district court, the State should be represented by a lawyer of ability and experience, sufficient to meet, and be equal to the ability and experience of those lawyers who are usually found in the defense of criminals of the highest grades. Such, with an occasional exception, has never generally been the case in Texas, as every one at all familiar with criminal trials of any importance in our courts must admit. The association have submitted a

remedy for this glaring defect, by the appointment of a district attorney in every district with a salary and a term of service of four years. If the amounts annually drawn from the State treasury to pay district and county attorneys for convictions are looked to, it will be found that the salaries of district attorneys can be paid without any great increase of expense to the government.

The whole question in regard to the district court is concentrated in the proposition that, as this is the court in which all the important rights of the citizen and of the State must be secured, finally, if not at first, the officers of the State to manage the business of the court should have that ability and experience which would make it be, what it should be, the most important court of the State. The purpose of the Supreme Court is not to try cases, but to inspect the manner in which they have been tried in the district court; and upon their being either affirmed or reversed, to send them back to the district court for its action, whether it be final or otherwise, by which the rights of parties litigant are to be awarded to them.

It therefore becomes a great grievance for the case to be stored away upon the files of the Supreme Court from year to year, as has long been the case, because the Supreme Court has not been able, as it is and has been organized, to dispatch the business carried to it by appeals and writs of error from the district court. The Commission of Appeals, while it existed, showed both the advantage and necessity of giving aid to the Supreme Court, by increasing the working force in the Supreme Court business. To improve upon this, the association provided for an increase of the justices of that court, to act in two divisions so as to be able to dispatch the business of the court. In further aid of that court, appeals in civil cases from the county and justices' courts were not allowed to be taken to it.

The Court of Appeals, having its jurisdiction confined to criminal cases, will be able to attend to the business of that court more promptly and better.

The county courts will have enough to do, with their jurisdiction of amounts in value between one and five hundred dollars. By that means, as well as by being relieved from appeals from justices' courts, they will be the better able to give more attention to probate

business, which is of greater importance than any other business of that court, and which requires the learning of a good lawyer to attend to it properly as it should be.

As to appeals in civil cases from the county court to the district court, the litigants will have the opportunity of having the facts of their cases tried by two juries, in courts presided over by lawyers, as judges, which is deemed entirely sufficient to reach the ends of justice in cases of no more importance. Provision has also been made by which appeals may be taken in cases involving constitutional questions, and in such other cases as may be provided for by the Legislature.

The jurisdiction of the justices' courts is reduced to one hundred dollars, as it was formerly. No appeal in civil cases is allowed. But, if there should be any legal or equitable grounds for a re-hearing of the case in a higher court, application may be made to the district court for a *certiorari* to remove the case into that court for trial, which that court is given power to do, under its authority of supervision over inferior courts. For many years before the late civil war this was the law, and the practice in this state, which then met general approval.

It is really for the benefit of litigants, both rich and poor, to have their cases, that do not involve large amounts in value, to be as speedily determined as it can be done, with a reasonable prospect of obtaining their rights, and not to be carried through all of the higher courts, attended by delay, and additional expense and costs.

It is customary in other states not to allow appeals to the highest courts in cases of minor importance, and it never has been done in the courts of the United States.

You are respectfully referred to the able address of the late Col. A. J. Peeler before the Texas Bar Association at Dallas in July, 1886, contained in its published proceedings, that will be submitted to you, in which you will find an account of the efforts that have been made to obtain an amendment to the judicial department, as well as cogent reasons presented by him, and others, why an amendment should be adopted.

For the better understanding of the amendment submitted to you, a synopsis has been made so as to show the different provisions, with their connections and relations to others, with a

reference to the sections in the amendment, which is hereto annexed.

O. M. ROBERTS, chairman,
R. S. GOULD,
B. H. BASSETT,
JOHN HANCOCK,
J. B. RECTOR,
J. S. WOODS,
F. H. PRENDERGAST,
SAM. R. FISHER,
JOHN W. ROBERTSON.

SYNOPSIS.

AMENDMENT OF ARTICLE 5. CONSTITUTION.

The most convenient manner of showing the jurisdiction of each court, both original and appellate, will be to consider criminal and civil cases separately:

Criminal Cases—Simple assault fine \$5 to \$25, that is \$100 or less; justice's court (section 46). Simple assault, appeal to county court (section 36). Simply assault; appeal to Court of Appeals (section 16).

Criminal Cases—Aggravated assault, \$25 to \$1000, that is over \$100, fine, etc.; county court (section 35). Aggravated assault; appeal to Court of Appeals (section 16).

Criminal Cases—Murder and other felonies; district court (section 22). Murder and other felonies; appeal to Court of Appeals (section 16).

Civil Cases—Debt or damage, \$100 or less; justice's court (section 46). Supervision in district court (section 23).

Civil Cases—Debt or damages not less than \$100 and not more than \$500, county court (section 35). Appeal to district court (section 23, see section 7). All probate cases, county court; appeal district court (section 23, and to Supreme Court, section 7).

Civil Cases—General jurisdiction over \$500, divorce, land suits, etc., district court (section 22, and see section 35). Appeal to Supreme court (section 7).

Writs of the different courts:

Supreme Court—All such writs as are necessary to enforce its jurisdiction and procedendo, to district court (section 3).

Court of Appeals—Writ of habeas corpus and other writs known to the law, etc., and mandamus, to district and county courts to proceed to trial, etc. (section 15).

District Court—Writs of habeas corpus, certiorari, and others to enforce

its jurisdiction, and mandamus, to Commissioner General Land Office (section 24).

County Courts—Writs of habeas corpus in cases within its and justice's jurisdiction, and wherever no offense is charged, and other writs known to the law to enforce its jurisdiction (section 38).

Ascertainment of jurisdiction:

For this purpose the Supreme Court and the Court of Appeals may receive affidavits or other evidence (sections 9 and 15).

Rules for the courts by the Supreme Court in accordance with the laws (section 10).

Increase of efficiency and dispatch of business in the courts:

Supreme Court—By increase of its members; by power of division; by being relieved of appeals from cases originating in the county and justices' courts, except probate cases (sections 7 and 13).

Court of Appeals—By being relieved of appeals in civil cases (section 16).

District Court—Two terms and more, if required by law (section 18). Criminal district courts, and other district courts, with civil jurisdiction (section 28), when necessary (sections 25-29).

County Courts—Jurisdiction to only \$500 (section 25); relieved of appeals from justices' courts in civil cases (sections 36, 23 and 24), and from misdemeanors involving official misconduct (section 35), and relieved of criminal cases in a county where there is a criminal district court (section 41).

Justices' Courts—Jurisdiction in civil and criminal cases only to the extent of \$100.

Results of the change of jurisdictions:

The Supreme Court will have no more and probably not so much business, and more capacity to do it.

The Court of Appeals will have less business.

The district court will perhaps have as much or more business, by appeals from the county court and certiorari cases from the justice's court, and ample provision is made to aid the district courts in any county or district when necessary. It is given jurisdiction in election cases, so much needed.

The county court will have less civil business. A party in that court may have a jury of six jurors, and on appeal to the district court, may have a jury of twelve jurors to determine the facts of his case finally—the amount involved not being over \$500.

Justices' courts will have less busi-

ness in civil cases—amount involved not being over \$100. A party in that court may have a jury of six jurors, and if injustice be done him on the trial, he may apply to the district judge for a certiorari, and in the district court have a jury of twelve jurors to try the facts of his case.

Increased efficiency and permanency of the officers in the judiciary department:

Justices of the Supreme Bench—By increase of members each one will have more time to do his work well, and thereby elevate the standard of the court. By increase of term and salary each one will be more able to defray expenses, and, by economy, save a little money to invest in property, for his support, when too old to work. This would be much better than the unjust practice of giving pensions as is done under some governments.

Judges of the Court of Appeals—By increase of term and salary, and having less business, the same advantages would accrue to them and to the country as in case of the justices of the Supreme Court.

Judges of the District Court—Increase of term and salary would give the same advantages as are mentioned for the higher courts, and avoid the frequent changes for more remunerative employment, and get the advantage of longer experience in that court, which is really the most important court of the State, where men's rights are determined on the facts pertaining to them, and receive shape and form for adjudication in the higher courts.

Judges of the County Court—By requiring them to be lawyers of four years experience, and giving four years term, instead of two, will insure better legal ability and more permanency in office, and, having less civil business, will enable them to give more and better attention to probate business, which is by far the most important business of these courts.

Justices of the Peace, Mayors, Recorders, etc.—With diminished jurisdiction, the cases before them will likely be settled by the current law generally known, and common sense and justice, rather than amidst the confusion and wrangle of opposing lawyers in their courts.

District Attorneys—By a salary, mode of appointment and removal, will be the right aim of the Governor in his duty of seeing that the laws are executed as they should be. It would give increased ability to meet and cope

with the ablest men at the bar, which is not now generally so. His disinterested impartiality and candor would give him an influence which he never can have when working for fees as an interested party. This change is absolutely necessary if the criminal laws are ever to be properly executed in this State.

County Attorneys—Would attend to prosecutions only in the county court and to other county business, as prescribed by law.

Provisions made liable to change by the Legislature:

Supreme Court and Court of Appeals—Places of holding at three places, may be to one at the capital (section 12). Appeals from county to Supreme Court in other cases than those involving constitutional questions (section 7).

District Judges may be elected, or may be appointed (section 19). To hold special terms besides two in each county (section 25). May be required to hold courts for each other (section 48). Other criminal and civil district courts (sections 28, 29). Districts may be changed (section 27). Supervision of inferior courts and tribunals under such regulations as may be prescribed by law (section 23).

District judge disqualified, and parties not choosing another, Governor may appoint as prescribed (section 48).

County Courts—Terms of, prescribed by Legislature or commissioners' courts (section 39).

County Judge—His compensation (section 34).

County Courts—In appeals in criminal cases from justices', mayors' and recorders' courts (section 36). May be, or not appealed to, when in the county there is a criminal district court (section 41).

District and County Attorneys—When a criminal district may be part of a judicial district; provisions for election, etc., and regulation of (section 32).

Judges Generally—Disqualifying affinity or consanguinity to be declared by law (section 32).

Justices of the Peace—May be more than one in a precinct in which there are 8,000 inhabitants, if so provided (section 45). May be given other jurisdiction, civil and criminal (section 46).

County Probate Court—Act in term time, or in vacation, as prescribed (section 39).

Commissioners' Court—Its jurisdiction and business; precincts (section 48).

Judges of Inferior Tribunals—Disqualifications remedied as prescribed (section 48).

District and County Judges—Provisions may be made for holding their courts, when absent, disabled or disqualified.

District and County Courts—Jury in civil cases, except probate cases, may be provided for (section 51). Jurors disabled, etc., provided for, and may be changed (section 53).

Election or appointment of officers: Justices of the Supreme Court and Court of Appeals—By vote of qualified electors at a general election, to hold eight years from date of election so that all will not be elected at the same time (sections 2 and 14).

Chief Justice—Appointed by the court (section 4).

Presiding Judge, Court of Appeals—Appointed by the court (section 15). Governor to appoint to fill vacancies to fill out the proper number, if this amendment is adopted (sections 2 and 14), also when one of them is disqualified (section 48). Clerk of each court appointed by the court (sections 11 and 17). In case of vacancy, by appointment of the Governor (section 54).

District Judges—Elected or appointed to hold six years from election (section 19).

Criminal district judges and civil district courts to hold, etc., as determined by law (sections 28, 29). In case of vacancy, appointed by the Governor, etc. (section 54).

County judges, elected by qualified voters of the county, to hold four years (from date of election is omitted). (section 34).

County commissioners elected by the commissioners' precinct (section 44).

Justices of the peace and constable, elected in district's precinct (section 45).

County attorneys, sheriffs, and district and county clerks, elected by the county (sections 20, 40, 42, 43). Vacancies in office of sheriff and district clerk, filled by district judge; of county commissioner, county clerk or county attorney, by county judge; all other county officers, by commissioners' court (section 54).

District attorneys—Appointed by Governor (section 31), and (perhaps by mistake) elected in certain districts (section 32).

Presiding judges may temporarily appoint persons to fill the places of absent or unable district attorneys, sheriff and clerk (section 57).

In cases of impeachment, officer sus-

pended and Governor fill vacancy (section 5, Article 15, Constitution.)

Removal of officers of the judiciary: Justices of the Supreme Court, judges of the Court of Appeals and judges of the district court—By impeachment and by address (sections 2 and 8, Article 15, Constitution.)

District judge—By Supreme Court, for certain causes (section 6, Article 15, Constitution).

District attorneys—Removed for good cause by the Governor, and by address of Legislature (section 33).

County attorneys, district and county clerks, sheriffs, justices of the peace, constables, and other county, precinct and municipal officers, may be removed by district for certain causes found by a jury (section 53).

Miscellaneous:

Officers to hold over until successors are qualified (section 55).

Cases to be removed to the courts of the proper jurisdiction (section 50).

Grand juries, not less than twelve jurors, not over eighteen (section 30).

Judges to be conservators of the peace (section 49).

Style of writs and authority of prosecutions (section 50).

Majority report of the special committee on joint resolution proposing an amendment to Article 5 of the Constitution as amended and adopted by the association:

Be it resolved by the Legislature of the State of Texas, That Article 5 of the Constitution of the State, shall be so amended as hereafter to read as follows, to-wit:

ARTICLE 5—JUDICIAL DEPARTMENT— JUDICIAL POWER

Section 1. The judicial power of this State shall be vested in a Supreme Court, in a Court of Appeals, in district courts, and in such other inferior courts and magistrates as may be created by this Constitution or by the Legislature under its authority.

SUPREME COURT—THE JUSTICES AND THEIR TERMS OF OFFICE.

Section 2. The Supreme Court shall consist of seven justices, who shall be elected by the qualified voters of the State at a general election, and shall hold their offices for the term of eight years from the date of their respective elections.

HOW CONSTITUTED.

Section 3. The Chief Justice and Associate Justices of the existing Supreme Court, or such of them as there may be, who shall be in office at the time when this amendment shall take effect, shall be justices of the Supreme Court hereby established, and shall hold their said offices until the expiration of their respective terms under their former elections or appointments. Upon the adoption of this amendment the Governor shall appoint the requisite number of additional justices to constitute, with those above designated, a court of seven members. The justices so appointed shall hold their offices until the next general election.

THE CHIEF JUSTICE.

Section 4. The Justices of the Supreme Court shall select from their own number a presiding officer, who shall be called the Chief Justice, and who shall hold for such term and perform such duties as may be prescribed by the court; *provided*, the Chief Justice who may be in office at the time when this amendment shall take effect, shall be the Chief Justice of the Supreme Court hereby established until the expiration of his term of office under his former election or appointment.

THEIR QUALIFICATIONS.

Section 5. Each Justice of the Supreme Court shall be a qualified voter, shall have arrived at the age of thirty years, and shall have been a practicing lawyer in this State, or a Judge of a District Court therein, or such judge and lawyer together, at least seven years at the time of his election or appointment.

THEIR SALARY.

Section 6. Each Justice of the Supreme Court shall receive an annual salary of not less than five thousand dollars.

APPELLATE JURISDICTION.

Section 7. The Supreme Court shall have, under such regulations as may be prescribed by law, appellate jurisdiction co-extensive with the limits of the State, of all final judgments rendered by the District Court in civil cases originating in the District Court, and in all matters of probate. There

shall be no appeal to the Supreme Court of civil cases originating in the justices' courts. There shall be no appeal to the Supreme Court of civil cases originating in the county court, except in cases involving a construction of the Constitution, and in such other cases as may be prescribed by law.

POWER TO ISSUE WRITS.

Section 8. The Supreme Court and the Justices thereof shall have power to issue all such writs known to the law as may be necessary to the exercise of its jurisdiction or to enforce the same. They shall also have power, by mandamus or otherwise, to compel the district courts to proceed with the trial of cases pending in said courts, of which the Supreme Court would have cognizance on appeal.

POWER TO ASCERTAIN FACTS.

Section 9. The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be thought proper, to ascertain such matters of fact as may be necessary in the exercise of its jurisdiction.

POWER TO MAKE RULES.

Section 10. The Supreme Court shall have power to make rules of procedure for its own government, and the government of the other courts of the State; *provided*, such rules shall not be inconsistent with the laws of the State.

CLERKS.

Section 11. The Supreme Court shall appoint a clerk for each place at which it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

TIME AND PLACE OF MEETING.

Section 12. The Supreme Court shall sit, for the transaction of business, from the first Monday in October to the last Saturday in June of every year, at the seat of government, and at not more than two other places in the State, or at the seat of government only if the Legislature shall hereafter so provide.

AUTHORITY TO ORGANIZE IN DIVISIONS.

Section 13. The Supreme Court may,

with the concurrence of not less than four of the justices thereof, organize, for the more speedy dispatch of business, into divisions, each to consist of at least three of the Justices.

Each division shall have power to hear and determine such cases as may be assigned to it by the court. When any member of a division fails to concur in the decision of a case, the case shall be referred back for decision to a quorum of the whole court. No Justice shall be assigned permanently to either division, but the several Justices may alternate under such rules as a majority of the court may prescribe.

The Chief Justice may preside over either of said divisions, at his election, and a division over which he does not preside may select one of its own number to preside.

COURT OF APPEALS—JUDGES OF AND THEIR TERM OF OFFICE.

Section 14. The Court of Appeals shall consist of three judges, who shall each be elected by the qualified voters of the State at a general election, and who shall hold their offices for the term of eight years from the date of their respective elections. The judges of the Court of Appeals, or so many of them as there may be, who shall be in office at the time this amendment shall take effect, shall be judges of said court as hereby established, and shall hold their said offices until the expiration of their respective terms under their former elections or appointments. And should there be at the adoption of this amendment less than three judges of said Court of Appeals, the Governor shall appoint the requisite number of additional judges to constitute a court of three members, and the judges so appointed shall hold their office until the next general election.

QUALIFICATION, SALARY, ETC.

Section 15. The several judges of the Court of Appeals shall possess the same qualifications and receive the same salary as justices of the Supreme Court. The judges shall select from their own number a presiding judge, who shall perform such duties and hold for such term as the court may prescribe; a majority of the court shall constitute a quorum, and the concurrence of two of the judges shall be necessary to a decision. The court shall sit at the same times and places as are pre-

scribed for the Supreme Court. The court and the judges thereof, shall have power to issue the writ of *habeas corpus*, and all other writs known to the law as may be necessary to the exercise of its jurisdiction or to enforce the same. They shall also have power, by *nandamus* or otherwise, to compel the district and county courts to proceed with the trial of cases pending in said courts of which the Court of Appeals would have cognizance on appeal. The court shall also have power to ascertain such facts as may be necessary in the exercise of its jurisdiction.

APPELLATE JURISDICTION.

Section 16. The Court of Appeals shall have appellate jurisdiction co-extensive with the limits of the State in criminal cases decided by the district and county courts. In behalf of the defendant such jurisdiction shall extend to all criminal cases whatsoever; in behalf of the State such jurisdiction shall extend only to judgments in favor of the defendant, on exceptions to indictments and informations involving matters of substance and not amendable; *provided*, that proceedings had for the forfeiture of bail bonds and recognizances shall be treated as civil cases subject to the laws governing appeals in other civil cases.

CLERKS.

Section 17. The Court of Appeals shall appoint a clerk for each place at which it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

DISTRICT COURT—JUDICIAL DISTRICTS, TERMS, ETC.

Section 18. The State shall be divided into a convenient number of judicial districts, consisting of one or more counties. Regular terms of the court shall be held by the district judges, at the county seat of each county in the district, at least twice in each year, in such manner as may be prescribed by law.

JUDGES.

Section 19. There shall be a district judge for each judicial district, who shall be elected by the qualified voters of the district, at a general election, or

be appointed, as the Legislature may direct. He shall hold his office for the term of six years from the date of his election or appointment. The district judges who may be in office when this amendment takes effect, shall hold their offices until the expiration of their several terms under the present Constitution and laws.

THEIR QUALIFICATIONS.

Section 20. Each district judge shall be a qualified voter, shall have arrived at the age of twenty-eight years, and shall have been a practicing lawyer in this State, or a judge of a court of record therein, or such judge and lawyer together, at least six years, and shall reside in his district during his term of office.

THEIR SALARY.

Section 21. Each district judge shall receive an annual salary of not less than three thousand six hundred dollars.

ORIGINAL JURISDICTION.

Section 22. The district courts shall be courts of general jurisdiction. They shall have original jurisdiction, both civil and criminal, of all causes and special proceedings of which exclusive jurisdiction is not conferred on some other court, and in civil cases such jurisdiction shall be exercised without regard to any distinction between law and equity. Contested elections and other special cases, where the right to resort to the courts arises only out of legislative action, may be referred by the Legislature to the district court, or other tribunal, with or without the right of appeal to the Supreme Court, as may be provided by law.

APPELLATE JURISDICTION.

Section 23. The district court of each county shall have appellate jurisdiction and general supervision and control in civil cases, and in matters of probate, over the county court of such county, and over all inferior courts and tribunals in the county, under such regulations as are or may be prescribed by law.

POWER TO ISSUE WRITS.

Section 24. The district courts, and the judges thereof, shall have power to

issue the writ of *habeas corpus*, and to render judgment therein either in vacation or in term time. They shall also have power to issue *certiorari* and all other writs known to the law, which may be necessary to the exercise of their jurisdiction or to enforce the same, and to issue writs of mandamus against the Commissioner of the General Land Office, returnable to the district court at the seat of government.

SPECIAL TERMS.

Section 25. Any district judge shall have power to hold a special term of the district court in any county of his district, under such circumstances and in such manner as may be directed by general or special law.

CLERK OF THE DISTRICT COURT.

Section 26. There shall be a clerk of the district court of each county, who shall be elected by the qualified voters of the county, and who shall hold his office for two years, whose duties, or salary, fees and perquisites shall be prescribed by law.

PRESENT DISTRICTS TO REMAIN UNTIL, ETC.

Section 27. The judicial districts in this State, and the time of holding courts therein, shall remain as at present, until otherwise provided by law.

CRIMINAL DISTRICT COURTS.

Section 28. The criminal district court of Galveston and Harris counties shall continue with the jurisdiction, organization and district now existing until otherwise provided by law; and the Legislature may establish such other courts, embracing one or more counties, with such criminal jurisdiction as may be provided by law. The qualifications and salaries and tenure of office of the judges of said courts shall be prescribed by law.

OTHER CIVIL DISTRICT COURTS.

Section 29. The Legislature may also, when the public interest shall require it, establish in any county other district courts, having such civil jurisdiction as may be provided by law. The qualifications and salaries and tenure of office of the judges of such courts shall be prescribed by law.

GRAND JURIES.

Section 30. Grand juries in the district and criminal courts shall be composed of not less than twelve nor more than eighteen men, who shall be selected in such a mode, and whose powers and duties shall be, such as may be prescribed by law. Twelve members of a grand jury shall be a quorum to transact business, and the concurrence of at least twelve members shall be necessary for the finding of a bill.

DISTRICT ATTORNEY.

Section 34. There shall be a district attorney for each judicial district, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall hold his office for the term of four years from the date of his appointment. He shall have arrived at the age of twenty-five years, and shall have been a practicing lawyer in this State, or a judge of a court of record therein, or such judge and lawyer together, at least four years. He shall receive a salary of two thousand five hundred dollars per annum, and such commissions and perquisites in civil cases in behalf of the State as the Legislature may provide, and shall have such powers and perform such duties as may be prescribed by law.

The district attorneys who may be in office when this amendment takes effect shall hold their offices until the expiration of their several terms under the present Constitution.

DISTRICT ATTORNEYS IN CRIMINAL DISTRICTS, ETC.

Section 32. When any criminal district court, now or hereafter created, shall embrace a portion only of a judicial district, the Legislature shall make provision for the election of a district attorney for such criminal district, and may also in such case provide for the election of a district attorney for so much of the judicial district as is not embraced in the criminal district, and prescribe his duties, power and salary; or they may abolish the office of district attorney for such judicial district, and commit the duties of the office to the county attorneys of the proper counties, with such compensation as may be prescribed by law.

REMOVAL FROM OFFICE.

Section 33. District attorneys may be

removed by the Governor for good cause, and shall be removed on the address of the Legislature for like causes and in like manner as is prescribed for the removal of district judges.

COUNTY COURTS—COUNTY JUDGE.

Section 34. There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county, by the qualified voters thereof, a county judge, who shall be a qualified voter; shall have been a practicing lawyer in this State, or a judge of a court of record, or such judge and lawyer together, at least four years, and shall hold his office for four years. He shall receive for his service such compensation as may be prescribed by law.

ORIGINAL JURISDICTION.

Section 35. The county court shall have exclusive original jurisdiction of all misdemeanors of which exclusive jurisdiction is not given to the justices' court; *provided*, that misdemeanors involving official misconduct shall be tried by the district courts. The county court shall also have exclusive original jurisdiction in civil cases, without regard to any distinction between law and equity, where the matter in controversy shall exceed in value one hundred dollars, and shall not exceed five hundred dollars exclusive of interest. It shall also have jurisdiction to enter judgments nisi and final judgments in all criminal cases of which it has jurisdiction; but shall not have jurisdiction of suits in behalf of the State to recover penalties, forfeitures and escheats; of suits to recover damages for slander or defamation of character; of suits for divorce or of suits for the trial of title to land, or for the enforcement of liens thereon; *provided*, that in case of liens acquired by the levy of process issued out of the county court, such court may foreclose the same by its judgment in the cause.

APPELLATE JURISDICTION.

Section 36. The county court shall have, under such regulations as are or may be prescribed by law, appellate jurisdiction in all criminal cases, of which the justices', mayors' and recorders' courts have original jurisdiction.

PROBATE JURISDICTION.

Section 37. The county courts shall

also have general jurisdiction in all matters of probate, including the administration and settlement of estates, the appointment of guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, and the apprenticing of minors.

POWER TO ISSUE WRITS.

Section 38. The county courts and the judges thereof shall have power to issue the writ habeas corpus in cases where the offense charged is within the jurisdiction of said courts, or of the other inferior courts, and in other cases where persons are deprived of their liberty without being charged with any offense, and all such other writs, both civil and criminal, known to the law, as may be necessary to the exercise or enforcement of their jurisdiction.

TERMS, ETC.

Section 39. The county court shall hold at least four terms for civil, probate and criminal business annually, as may be provided by the Legislature or by the commissioners' court of the county under authority of law, and such other terms for probate and criminal business, both or either, as may be fixed by the commissioners' courts; *provided*, the commissioners' court of any county, having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court may dispose of probate business either in term time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.

COUNTY CLERK.

Section 40. There shall be elected for each county by the qualified voters thereof, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners' courts and the recorder of the county, and whose duties, salary or fees and perquisites shall be prescribed by law. In counties having a population of less than eight thousand, there shall be elected but one clerk, who shall perform the duties of both district and county clerk.

NO JURISDICTION IN CERTAIN COUNTIES.

Section 41. Where in any county there shall be established a criminal district court, the county court of such county shall not have criminal jurisdiction unless expressly conferred by law, and in such counties appeals from justices' courts and from other inferior courts and tribunals in criminal cases, shall lie to the criminal district court, under such regulations as may be prescribed by law, and an appeal shall lie from such district courts as in other cases.

COUNTY ATTORNEY.

Section 42. A county attorney for each county shall be elected by the qualified voters thereof, who shall hold his office for two years, and who shall perform such duties and receive such compensation as the Legislature may prescribe.

SHERIFF.

Section 43. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, and whose duties, perquisites and fees of office shall be prescribed by law.

COMMISSIONERS' COURT.

Section 44. It shall be the duty of the commissioners' court of each organized county to divide the same into not less than four commissioners' precincts, which may be changed from time to time. In each of such precincts there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for the term of two years. The county commissioners so chosen, with the county judge, shall compose the county commissioners' court. The commissioners' court shall have such power and jurisdiction over all county business as is now or may hereafter be conferred by law.

JUSTICES' COURTS—JUSTICES AND CONSTABLES ELECTED, ETC.

Section 45. It shall be the duty of the commissioners' court of each organized county to divide the same into a convenient number of justices' precincts, not less than four nor more than twelve, which may be changed from time to time. In each of such precincts

there shall be elected by the qualified voters thereof one justice of the peace and one constable, each of whom shall hold his office for two years, and shall perform such duties and receive such compensation as may be prescribed by law: *provided*, that in precincts including eight thousand or more inhabitants, there may be more than one justice of the peace, as may be prescribed by law.

JURISDICTION, TERMS, ETC.

Section 46. The justices' court shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed may not exceed one hundred dollars, and in civil matters of all cases where the amount in controversy is one hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts, and such other jurisdiction, civil and criminal, as may be provided by law. They shall hold their courts at such times and places as may be provided by the Legislature, or by the commissioners' court under its authority. Justices of the peace shall be ex-officio notaries public.

MAYORS' AND RECORDERS' COURTS.

Section 47. Mayors and recorders of cities and towns, exercising under their charters judicial authority, shall have the criminal jurisdiction of a justice of the peace, coextensive with the corporate limits of such cities and towns.

GENERAL PROVISIONS.

DISQUALIFICATION OF JUDGES

Section 48. No judge shall sit in any case wherein he may be interested in the question to be decided, or where either of the parties may be connected with him by affinity or consanguinity, within such degree as may be prescribed by law, or where he shall have been of counsel in the case. When a justice of the Supreme Court, or a judge of the Court of Appeals shall be disqualified to hear and determine any case or cases in said court, the same shall be certified by such court to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases, which commission shall expire on the termination of such case or cases. When a judge of the

district court is disqualified, the parties may by consent appoint a proper person to try the case, or upon their failure to do so, a competent person may be appointed by the Governor to try the case in the county where it is pending, in such manner as may be prescribed by law.

The district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when directed by law. The disqualification of judges of inferior tribunals shall be remedied as may be prescribed by law. The Legislature shall have power to provide for the holding of district and county courts, when the judges thereof may be absent, disabled or disqualified from acting.

JUDGES TO BE CONSERVATORS OF THE PEACE.

Section 49. The judges of the several courts shall, by virtue of their offices, be conservators of the peace.

STYLE OF WRITS, ETC.

Section 50. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of "The State of Texas," and shall conclude "Against the peace and dignity of the State."

RIGHT OF TRIAL BY JURY.

Section 51. In the trial of all causes, with such exceptions in probate matters as the Legislature may provide, in the district and county courts, any party shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding the jury in such sum and with such exceptions as may be prescribed by the Legislature.

JURY TRIALS.

Section 52. When, pending the trial of any case, one or more jurors, not exceeding three, may die or be disabled from sitting, the remainder of the jury shall have power to render the verdict; *provided*, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

REMOVAL OF COUNTY OFFICERS.

Section 53. County judges, clerks of the district and county courts, sheriffs, justices of the peace, constables and other county, precinct and municipal officers, after due notice, may be removed by the judge of the district court for incompetency, official misconduct, habitual drunkenness or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.

VACANCIES—HOW SUPPLIED.

Section 54. Vacancies in the offices of Justice of the Supreme Court, Judge of the Court of Appeals and district judge shall be filled by the Governor until the next general election. Vacancies in the offices of clerk of the district court and sheriff shall be filled by the district judge for the unexpired term. Vacancies in the offices of county commissioner, county clerk and county attorney shall be filled by the county judge for the unexpired term. Vacancies in all other county offices shall be filled by the commissioners' court of the county for the unexpired term.

TENURE OF OFFICE.

Section 55. All officers created by this article shall, except in case of death, removal or other disqualification, hold their offices until their successors have duly qualified; and all county officers who may be in office when this amendment shall take effect, shall hold their said offices until the expiration of their respective terms under the present Constitution and laws.

CAUSES TRANSFERRED, ETC.

Section 56. All causes pending in any of the courts at the time this amendment may take effect, of which exclusive jurisdiction is hereby given to some other court, shall immediately be transferred to such other court, together with a certified copy of all the proceedings had in the case.

ABSENCE OR INABILITY TO ACT.

Section 57. In the event of the absence or inability to act of the district or county attorney, sheriff or clerk, the presiding judge may appoint temporarily a proper person to act in the

place of the officer so absent or unable to act.

Senator Pope asked to have the Journal of the 19th show that he voted against the amendment to the House concurrent resolution asking the Texas members of Congress to endeavor to repeal the present tariff laws, requesting them to sustain all the doctrines set forth in the National Democratic platform.

(Journal corrected.)

Senator Terrell asked to have the Journal of the 19th instant corrected to show that he voted against the passage of the House concurrent resolution requesting the Texas members in Congress to endeavor to repeal the tariff laws. The Journal should place the name of Senator Terrell where the name of Senator Upshaw occurs in the negative.

The morning call having concluded, the Senate, as agreed, went into executive session on the appointments of the Governor.

On motion of Senator Terrell the result of the executive session was ordered spread upon the pages of the Senate Journal and the Governor be notified of such actions as follows:

The Senate advises and consents to the appointment of John M. Moore to be Secretary of State.

The Senate advises and consents to the appointment of L. L. Foster to be Commissioner of Insurance, Statistics and History.

The Senate advises and consents to the appointment of W. H. King to be Adjutant General.

The Senate advises and consents to the appointment of W. G. Parish to be Financial Agent of the State Penitentiaries.

The following message was received from the Governor:

EXECUTIVE OFFICE, }
AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Dr. J. J. Tobin, Judge Z. T. Fulmore, Dr. R. E. Grant, Major I. G. Searcy and R. S. Harrison as Trustees for the Blind Asylum.

L. S. Ross,
Governor of Texas.

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Rev. T. B. Lee, Felix E. Smith, C. M. Rogers, B. C. Wells and Edward Christian as Trustees of the Deaf and Dumb asylum.

L. S. Ross,
Governor of Texas.

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Rev. R. K. Smoot, Judge A. M. Jackson, R. M. Castleman, N. O. Lauve and A. Deffenbaugh, as Trustees of the State Lunatic Asylum.

L. S. Ross,
Governor of Texas

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of Robert Rutherford to the office of State Health Officer.

Respectfully,
L. S. Ross,
Governor of Texas.

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of W. L. Davidson of Gonzales, to the office of Assistant Attorney General.

Respectfully,
L. S. Ross,
Governor.

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of W. W. Merritt to the office of Inspector of Penitentiaries.

Respectfully,
L. S. Ross,
Governor of Texas.

EXECUTIVE OFFICE, }

AUSTIN, January 21, 1887. }

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of W. P. Hardeman to the office of Superintendent of Public Buildings and Grounds.

Respectfully,
L. S. Ross,
Governor of Texas.

Senator Harrison moved that the Senate go into executive session to con-

sider the appointments of the Governor.

Objection was made, and

On motion of Senator Calhoun, the hour for executive session was set for to-morrow after morning call.

By leave, Senator Woodward introduced a bill to be entitled "An act to authorize railway companies to abandon certain positions of their roads near the coast where their termini are at points where towns, being county sites, have been destroyed by storms and cyclones."

Referred to Judiciary Committee No. 1.

By Senator Pope, by leave:

A bill to be entitled "An act to punish the interference with certain laborers and employers of this State."

Referred to Judiciary Committee No. 2.

Senate bill No. 28 was laid before the Senate as pending business on adjournment yesterday.

Senator Terrell moved to table the motion to substitute the minority for the majority report.

The motion to table was adopted by the following vote:

YEAS—22.

Abercrombie,	Glasscock,
Allen,	Gregg,
Bell,	Houston,
Burges,	Jarvis,
Calhoun,	Knittle,
Camp,	McDonald,
Claiborne,	MacManus,
Davis,	Pope,
Douglass of J,	Terrell,
Douglass of G,	Upshaw,
Frank,	Woodward.

NAYS—8.

Armistead,	Lane,
Field,	Sinkins,
Garrison,	Stinson,
Harrison,	Woods.

ABSENT—1.

Burney.

The majority report, killing the bill, was adopted by the following vote:

YEAS—25.

Abercrombie,	Davis,
Allen,	Douglass of J,
Bell,	Douglass of G,
Burges,	Frank,
Burney,	Glasscock,
Calhoun,	Gregg,
Camp,	Harrison,
Claiborne,	Houston.

Jarvis,
Knittle,
McDonald,
MacManus,
Pope,

Terrell,
Upshaw,
Woods,
Woodward.

NAYS—6.

Armistead,
Field,
Garrison,

Lane,
Sinkins,
Stinson,

By leave, Senator Harrison sent up the following committee report:

COMMITTEE ROOM.

AUSTIN, January 21, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 85, an act entitled "An act to establish and organize the county of Mills," have considered the same and instruct me to report it back with recommendation that it do pass.

HARRISON, chairman.

Bill read first time.

Senate bill No. 33, a bill to be entitled "An act to amend Article 746, chapter 11, title 17, of the Penal Code of the State of Texas," was laid before the Senate, read second time, with unfavorable committee report, and,

On motion of Senator Woods,

The committee report killing the bill was adopted.

Substitute House bill No. 5, "An act making an appropriation to defray the contingent expenses of the Twentieth Legislature," was laid before the Senate in its regular order, read second time and passed to third reading.

On motion of Senator Woods,

The constitutional rule requiring bills to be read on three separate days was suspended, and the bill was placed on its passage by the following vote:

YEAS—31.

Abererombie,
Allen,
Armistead,
Bell,
Burgess,
Burney,
Calhoun,
Camp,
Claiborne,
Davis,
Douglass of J,
Douglass of G,
Field,
Frank,
Garrison,
Glasscock,

Gregg,
Harrison,
Houston,
Jarvis,
Knittle,
Lane,
McDonald,
MacManus,
Pope,
Sinkins,
Stinson,
Terrell,
Upshaw,
Woods,
Woodward.

NAYS—none.

The bill was read third time, and Passed by the following vote:

YEAS—31.

Abererombie,
Allen,
Armistead,
Bell,
Burgess,
Burney,
Calhoun,
Camp,
Claiborne,
Davis,
Douglass of J,
Douglass of G,
Field,
Frank,
Garrison,
Glasscock,

Gregg,
Harrison,
Houston,
Jarvis,
Knittle,
Lane,
McDonald,
MacManus,
Pope,
Sinkins,
Stinson,
Terrell,
Upshaw,
Woods,
Woodward

NAYS—none.

By leave, Senator Douglass of Jefferson introduced a bill to be entitled "An act to amend Article 500, title 15, chapter 3, of the Penal Code of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

On motion of Senator Terrell,

Senator Houston was excused, on account of important business from attendance upon the Senate yesterday.

On motion of Senator Garrison,

Senator Glasscock was excused from attendance to-morrow, on account of importance business.

On motion of Senator Stinson,

The Senate adjourned till 10 o'clock to-morrow morning.

ELEVENTH DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, January 22, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Garrison,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Field,

Senator Knittle was excused for today, on account of important business.

On motion of Senator Burney,